

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RICKY JONES,)
)
 Plaintiff,)
)
 v.) No. 4:15CV00164 ERW
)
 DAVID SCHMITT, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on the application of Ricky Jones for leave to commence this action without payment of the required filing fee [ECF No. 2]. *See* 28 U.S.C. § 1915(a). Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially unable to pay any portion of the filing fee. Therefore, plaintiff will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). In addition, for the reasons set forth below, the Court will instruct plaintiff to file an amended complaint.

Plaintiff seeks injunctive relief in this action against four employees of the Sexual Offender Rehabilitation and Treatment Services (“SORTS”). Plaintiff has filed a complaint [Doc. #1], as well as two supplements [Docs. #4 and #5]; however, the Court does not allow amendments by supplementation or

interlineation. As such, the Court will instruct plaintiff to file an amended complaint on a Court-provided form, as more fully set forth below.

The Federal Rules of Civil Procedure require litigants to formulate their pleadings in an organized and comprehensible manner. Even pro se litigants are obligated to abide by the Federal Rules of Civil Procedure. *See U.S. v. Wilkes*, 20 F.3d 651, 653 (5th Cir. 1994); *Boswell v. Honorable Governor of Texas*, 138 F.Supp.2d 782, 785 (N.D. Texas 2000); Fed.R.Civ.P. 8(a)(2) (complaint should contain short and plain statement of claims); Fed.R.Civ.P. 8(e)(2) (each claim shall be simple, concise, and direct); Fed.R.Civ.P. 10(b) (parties are to separate their claims within their pleadings the contents of which shall be limited as far as practicable to a single set of circumstances). Although the Court is to give the complaint the benefit of a liberal construction, the Court will not create facts or claims that have not been alleged. Plaintiff is required, to the best of his ability, to set out in a simple, concise, and direct manner, not only his claims, but also the facts supporting these claims as to each named defendant.

The amended complaint shall be typed or legibly handwritten on a Court-provided form for filing a civil complaint. Plaintiff is advised that his amended complaint will supersede his original complaint and supplements and will be the only complaint this Court reviews. Moreover, in the section of the complaint

entitled "Statement of Claim," plaintiff must set out, in separate numbered paragraphs and in a simple, concise, and direct manner, the specific facts relative to his claims against each of the named defendants. Plaintiff should not attach exhibits to his amended complaint. Plaintiff risks dismissal of the instant action if he fails to comply with this Court's instructions.

Last, plaintiff has filed a motion for appointment of counsel [ECF No. 3]. "A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether to appoint counsel for an indigent litigant, the Court considers relevant factors, such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Id.*

After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. This case is neither factually nor legally complex, and it appears that plaintiff is able to present his claims. Consequently, the motion will be denied, without prejudice.

In accordance with the foregoing,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that pursuant to the Court's instructions, plaintiff shall file an amended complaint on a Court-provided form within thirty (30) days from the date of this Order.

IT IS FURTHER ORDERED that the Clerk shall forward to plaintiff the Court-provided form for filing a civil rights complaint.

IT IS FURTHER ORDERED that plaintiff's motion for counsel [ECF No. 3] is **DENIED, without prejudice.**

So Ordered this 26th day of March, 2015.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE